

FILED  
Clerk  
District Court

AUG - 8 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

CRIMINAL CASE NO. 04-00038

**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**DEFENDANT MAFNAS'**  
**SUPPLEMENTAL JURY INSTRUCTIONS**

**ERIC JOHN TUDELA MAFNAS,**


Defendant.

COMES NOW, Eric J.T. Mafnas, by and through his counsel of record and submits the following proposed jury instructions for consideration, the following are meant to supplement those instructions proposed by the Court.

Dated this 8<sup>th</sup> day of August, 2005.

Respectfully submitted,

By:

  
**STEPHANIE G. FLORES**  
Attorney for Defendant,  
*Eric J.T. Mafnas*

1       **TESTIMONY OF WITNESSES INVOLVING SPECIAL CIRCUMSTANCES--**  
2       **IMMUNITY, BENEFITS, ACCOMPLICE, PLEA**

3       You have heard testimony from Carl Cabrera, a witness who

4             pleaded guilty to a crime arising out of the same events for which the defendant is  
5             on trial. This guilty plea is not evidence against the defendant, and you may  
6             consider it only in determining this witness's believability.

7       For this reason, in evaluating Carl Cabrera's testimony, you should consider the extent to which  
8       or whether Mr. Cabrera's testimony may have been influenced by this factor. In addition, you should  
9       examine Mr. Cabrera's testimony with greater caution than that of other witnesses.

10       Source: 9<sup>th</sup> Circuit Model Criminal Jury Instructions, Instruction 4.9

1 **MERE PRESENCE/ASSOCIATION/ACTIVITY**

2 A defendant's association with conspirators is not by itself sufficient to prove his participation  
3 or membership in a conspiracy.

4 Source: 7<sup>th</sup> Circuit Model Jury Instructions

5 See also: U.S. v. Garcia, 562 F. 2d 411,414 (7<sup>th</sup> Cir. 1977); U.S. v. Moya-Gomez, 860 F. 2d 706, 759  
6 (7<sup>th</sup> Cir. 1988), *cert. denied*, 492 U.S. 908 (1989)

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